

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

July 20, 2006

The Honorable Nicole Parra, Chair
Joint Legislative Audit Committee
State Capitol Building, Room 4005
Sacramento, CA 95814

Dear Assemblywoman Parra:

I am writing you today to urge the Joint Legislative Audit Committee to immediately undertake an investigation of a laundry list of abuses and wastes of taxpayer dollars by the California Highway Patrol (CHP). Abuses to be investigated should include the legality of the no-bid contract used to purchase new Smith & Wesson guns, suppression of voter registration, lawsuits and investigations regarding personnel issues, the dumping of overtime and misuse of state resources, specifically the personal use of state-owned aircraft by Commissioner Michael Brown. Recent investigative news articles and editorials in the *Sacramento Bee* and the *San Diego Union-Tribune* clearly highlight issues of abuse and misuse of state resources requiring we, as state elected representatives, take action to ensure that further abuse does not occur. When a state agency acts irresponsibly it not only reflects poorly on that agency but also on the state as a whole.

Prior to the recent headlines regarding the purchase of new weapons, CHP Commissioner Mike Brown was under scrutiny for using state resources for personal business. On May 15th, *The Sacramento Bee* reported that a state aircraft was used to transport Commissioner Brown, his wife and several state employees to a fundraiser for the 11-99 Foundation as well as a free private screening of Mission Impossible III. Taxpayers expect us to use public resources wisely and responsibly. Clearly this was not the case, as no state business was being conducted.

Furthermore, the California Highway Patrol argued in January that it must quickly be awarded a no-bid contract to buy the new Smith & Wesson pistols because of a shortage. However, on July 2, 2006, the *Sacramento Bee* reported that the CHP sold 197 guns to its retiring officers in 2005-2006 even though CHP officials asserted that unless a deal for new Smith & Wesson pistols was approved immediately, they would be short 169 guns for rookies graduating from the CHP academy this summer. The purchases by retiring officers took 11 percent of the CHP's pistols out of circulation. In addition, the CHP requested the no-bid contract to purchase the Smith & Wesson guns because they would save money by not being required to train officers on any new types of weapons and the new Smith & Wesson guns would fit into the old holsters. Unfortunately, this is simply not the case. The new guns will not fit in the existing holsters. Commissioner Brown knew or should have known about the internal CHP memos that pointed

out this fact as well as additional flaws with the guns prior to the CHP making their case to the Department of General Services for the no-bid contract.

Additionally, I was disturbed to read an article in *The Sacramento Bee* on Sunday, March 20, 2006, regarding a directive issued by the California Highway Patrol in 2003 that sought to shut down signature gathering in front of state buildings across the state. This policy stood for more than two years before being reversed in March 2005.

Whether the original action taken was politically motivated or an example of sheer ignorance, the result is the same—more than 100 permit applicants were denied the right to exercise their First Amendment right. In fact, it can be argued that because of the heavy foot traffic at state buildings, millions of interested citizens across the state may have been prevented from registering to vote, signing petitions and obtaining information from groups or individuals that sought to serve them.

Over the last several years, the California State Personnel Board has been forced to investigate and overturn several different actions taken by the CHP in regards to its hiring and promotion practices. Through these investigations, the State Personnel Board has determined that the CHP was acting in “bad faith” by knowingly promoting or not promoting employees illegally. Even after the determinations by the Board these practices have continued and should be investigated further to determine what more can be done to protect the integrity of this state and its agencies.

On Friday, July 14, 2006, the *Sacramento Bee* published an article bringing into question the CHP’s use or misuse of overtime. The newspaper was able to obtain an email from a division commander urging non-uniformed employees use as much overtime as they wanted and that prior approval or requests were no longer needed. This encouragement of the increased use of overtime suspiciously came towards the close of the fiscal year and is perceived as a way to justify future budget requests for increased funding for overtime.

I am deeply concerned by the recent acts of this state agency and how it is wasting taxpayers’ dollars. As elected officials representing 37 million Californians we have a fiduciary responsibility to protect our state and its citizens from abuses of their tax dollars. Therefore, I urge the Joint Legislative Audit Committee along with the State Auditor, the Department of Finance and the State Personnel Board to conduct a full and immediate audit of the California Highway Patrol. Specifically, the audit should examine the following:

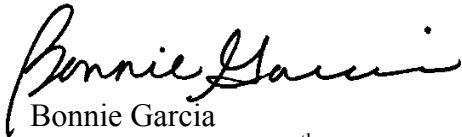
- Why does Commissioner Brown have access to state aircraft for personal use and what is the cost to the state?
- Why did the CHP not request Governor Schwarzenegger to rescind the executive order handed down by former Governor Gray Davis that only allowed the CHP to trade in guns with their manufacturer to be rescinded and as a result what costs were realized by the state?
- Were any state laws violated regarding the no-bid contract the CHP entered into to purchase the Smith & Wesson guns?
- Can the contract for the new weapons be legally withdrawn to allow for a true open bid for new weapons allowing companies such as SigArms and Glock Corp. to compete?

These companies have stated that if they had been allowed to bid they could have saved the state millions of dollars.

- Why were internal CHP memos that pointed out how existing equipment could still be used and new holsters would be required for the new Smith & Wesson guns prior to the request for a no-bid contract with the Department of General Services ignored?
- Were there any alternatives to purchasing all new holsters at a cost of \$380,000?
- Why was the CHP ordered to stop signature gathering practices in front of state building and why did it take two years for that order to be rescinded?
- Why does the CHP continue to use illegal personnel practices and what can be done to stop these practices?
- Why were CHP officers and employees urged to use overtime and why was there no approval policies or oversight put in place?

Thank you for your immediate action to investigate the abuses of tax dollars by the California Highway Patrol. I am ready to assist you in any way with this matter to ensure the integrity of our state and its agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Garcia". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bonnie Garcia
Assemblywoman, 80th District

Cc: Members of the Joint Legislative Audit Committee
Richard Costigan, Deputy Chief of Staff and Legislative Secretary
Fred Aguiar, Cabinet Secretary